



Leadership Conference on Civil Rights

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Oppose the "Marriage Protection Amendment" (H.J. Res. 106) Don't Write Discrimination into the Constitution

September 27, 2004

Dear Representative:

We, the undersigned organizations of the Leadership Conference on Civil Rights (LCCR), the nation's oldest, largest, and most diverse civil and human rights coalition, strongly urge you to **oppose the "Marriage Protection Amendment" (H.J. Res. 106)**, a radical proposal that would permanently write discrimination into the United States Constitution. LCCR believes that this highly divisive amendment is a dangerous and unnecessary approach to resolving the ongoing debate over same-sex marriage, and it would turn 225 years of Constitutional history on its head by requiring that states actually restrict the civil rights of their own citizens.

As a diverse coalition, LCCR does not take a position for or against same-sex marriage. The issue of same-sex marriage is an extremely difficult and sensitive one, and people of good will can and do have heartfelt differences of opinion on the matter. However, LCCR strongly believes that there are right and wrong ways to address the issue as a matter of public policy, and is extremely concerned about any proposal that would alter our nation's most important document for the direct purpose of excluding any individuals from its guarantees of equal protection.

The proposed amendment is antithetical to one of the Constitution's most fundamental guiding principles, that of the guarantee of equal protection for all. For the first time in history, it would use the Constitution as a tool of exclusion, restricting the rights of a group of Americans. It is so far-reaching that it would not only prohibit states from granting equal marriage rights to same-sex couples, but also may deprive same-sex couples and their families of fundamental protections such as hospital visitation, inheritance rights, and health care benefits, whether conveyed through marriage or other legally recognized relationships. Such a proposal runs afoul of basic principles of fairness and will do little but harm real children and real families in the process.

Constitutional amendments are extremely rare, and are only done to address great public policy needs. Since the Bill of Rights' adoption in 1791, the Constitution has only been amended seventeen times. LCCR believes that the Bill of Rights, and subsequent amendments, were designed largely to protect and expand individual liberties, and certainly not to deliberately take away or restrict them.

LCCR is particularly troubled by the virulent rhetoric of some organizations working to enact the proposed amendment, and their animus towards gays and lesbians. The

Executive Director
WADE J. HENDERSON



attacks made by many of the most vocal proponents, such as the Traditional Values Coalition and the American Family Association, are disturbingly similar to the sorts of attacks that have been made upon other communities as they have attempted to assert their right to equal protection of the laws. This is, of course, an element of the debate that the civil rights community finds deeply disturbing, as should all fair-minded Americans.

In addition, supporters of the Marriage Protection Amendment cite “judicial activism” as a reason to enact it. Terms like “judicial activism” are alarming to LCCR and the civil rights community because such labels have routinely been used in the past to attack judges who made courageous decisions on civil rights matters. When Chief Justice Earl Warren wrote the unanimous Supreme Court decision in *Brown v. Board of Education* (1954), for example, defenders of segregation cried “judicial activism” across the South and across the country. Many groups and individuals demanded that Congress “impeach Earl Warren.” The Supreme Court’s ruling in *Loving v. Virginia* (1967), which invalidated a state anti-miscegenation law, resulted in similar attacks. Fortunately, our nation avoided taking any radical measures against the so-called “judicial activists” or their decisions, and we believe a similar level of caution is warranted in this case.

At a time when our nation has many great and pressing issues, Congress can ill afford to exert time and energy on such a divisive and discriminatory constitutional amendment. We implore you to focus on the critical needs facing our nation, and to publicly oppose this amendment. **Because the Marriage Protection Amendment is of critical concern to LCCR member organizations and their constituencies, LCCR intends to include how Representatives vote on this issue in its voting records for the 108th Congress.** If you have any questions or need further information, please contact Rob Randhava, LCCR Policy Analyst, at (202) 466-6058, or Nancy Zirkin, LCCR Deputy Director, at (202) 263-2880. Thank you for your consideration.

Sincerely,

Leadership Conference on Civil Rights

Actors’ Equity Association
American Association of People with Disabilities
American Association of University Professors
American Civil Liberties Union
American Council of the Blind
American Federation of Government Employees
American Federation of State, County & Municipal Employees, AFL-CIO
American Federation of Teachers, AFL-CIO
American Friends Service Committee
American Jewish Committee
Americans for Democratic Action
Anti-Defamation League
Bazelon Center for Mental Health Law
Blind Friends of Lesbian, Gay, Bisexual and Transgendered People
Center for Women Policy Studies



Central Conference of American Rabbis
Communications Workers of America
Friends Committee on National Legislation
Human Rights Campaign
Japanese American Citizens League
Jewish Labor Committee
League of Women Voters of the United States
Legal Momentum (formerly NOW Legal Defense and Education Fund)
Metropolitan Washington Employment Lawyers Association
Mexican American Legal Defense and Educational Fund
NAACP Legal Defense & Educational Fund, Inc.
National Alliance of Postal and Federal Employees
National Association for the Advancement of Colored People
National Association of Protection and Advocacy Systems
National Association of Social Workers
National Council of Jewish Women
National Council of La Raza
National Education Association
National Employment Lawyers Association
National Fair Housing Alliance
National Gay and Lesbian Task Force
National Partnership for Women & Families
National Urban League
National Women's Law Center
National Women's Political Caucus
Office and Professional Employees International Union
People For the American Way
Planned Parenthood Federation of America
Pride At Work
Religious Coalition for Reproductive Choice
Service Employees International Union
Texas Employment Lawyers Association
The Workmen's Circle/Arbeter Ring
Union for Reform Judaism
Unitarian Universalist Association of Congregations
Women for Reform Judaism